
PLANNING COMMITTEE**MINUTES**

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth, on 13 December 2018 from 7.30pm to 10.00pm.

Councillors present:

Sarah Nelmes (Chairman)	Stephen King
Matthew Bedford (Substitute for Sara Bedford)	Chris Lloyd (Vice Chairman)
Marilyn Butler	David Major
Steve Drury	Debbie Morris
Peter Getkahn	Reena Ranger

Also in attendance: Councillors Alex Hayward, Heather Kenison, Abbots Langley Parish Councillor Owen Roe, Chorleywood Parish Councillor Raj Khiroya.

Officers: Claire Westwood, Adam Ralton, Scott Volker. Sherrie Ralton.

PC 115/18 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Sara Bedford with Councillor Matthew Bedford as substitute and Councillor Diana Barber. Additional apologies were received from Councillor Rupert Barnes, who was due to substitute for Councillor Diana Barber.

PC116/18 MINUTES

The Minutes of the Planning Committee meeting held on 15 November 2018 were confirmed as a correct record and signed by the Chairman subject to the following amendment to item PC 104/18 Paragraph 11:

Councillor Reena Ranger said *following the speaker's comments*, at 38 Eastbury Avenue only three of the parking spaces had been tandem.

PC 117/18 NOTICE OF OTHER BUSINESS

None.

PC 118/18 DECLARATIONS OF INTEREST

Councillor David Major declared a non-pecuniary interest in agenda item 5 (18/1313/FUL – Variation of condition 10 (Affordable Housing) pursuant to outline planning permission 16/2076/OUT: To vary the tenure and tenure split of the affordable housing provision at FAIRWAYS FARM, BUCKNALLS LANE, GARSTON, WD25 9NE), as a Member of the Abbots Langley Parish Council Planning Committee but would be entitled to stay and vote as he:

- has an open mind about the application;
- is not bound by the views of the Parish Planning Committee; and

- can deal with the application fairly and on its merits at Committee

Councillor Steve Drury declared a non-pecuniary interest in item 11 (18/2159/FUL - Demolition of existing single storey rear extension and construction of new single storey rear extension at 61 KENILWORTH DRIVE, CROXLEY GREEN, WD3 3NN) and said he would leave the room.

The Chairman declared that all the Liberal Democrat Councillors had non-pecuniary interests in item 9 (18/2116/FUL: Proposed part first floor, part two storey side extension, extension to rear dormer, alterations to existing rear projection and use of roof as a balcony, front porch canopy, alterations to fenestration and construction of swimming pool at CALLIPERS COTTAGE, PENMANS GREEN, SARRATT, WD4 9AY) as the Agent was a Liberal Democrat Councillor.

Councillor Sarah Nelmes read out the following statement to the Committee:

“All Members are reminded that they should come to meetings with an open mind and be able to demonstrate that they are open minded. You should only come to your decision after due consideration of all the information provided, whether by planning officers in the introduction, by applicants/agents, by objectors or by fellow Councillors. The Committee Report in itself is not the sole piece of information to be considered. Prepared speeches to be read out are not a good idea. They might suggest that you have already firmly made up your mind about an application before hearing any additional information provided on the night and they will not take account of information provided on the night. You must always avoid giving the impression of having firmly made up your mind in advance no matter that you might be pre-disposed to a view.”

PC 119/18 18/1313/FUL – Variation of condition 10 (Affordable Housing) pursuant to outline planning permission 16/2076/OUT: To vary the tenure and tenure split of the affordable housing provision at FAIRWAYS FARM, BUCKNALLS LANE, GARSTON, WD25 9NE

The Planning Officer reported that Clause IV of the amended condition 8 as shown on the Committee report was to be amended, to replace the reference to five months with six months. This was to ensure the condition was consistent and clear that the requirement was now for six months, as requested by Committee and set out in the update to the report.

Councillor Chris Lloyd moved, seconded by Councillor Debbie Morris, that the decision be delegated to the Director of Community and Environmental Services and that Planning Permission be Granted subject to the Conditions and Informatives set out in the Officer recommendation, the amendment to Condition 8 and subject to the completion of a Section 106 Agreement.

On being put to the Committee the motion was declared CARRIED the voting being unanimous.

RESOLVED:

That the decision be delegated to the Director of Community and Environmental Services and that PLANNING PERMISSION IS GRANTED subject to the Conditions and Informatives set out in the Officer recommendation, the amended Condition 8, and subject to the completion of a Section 106 Agreement.

Amended Condition 8:

C8 The affordable housing shall be provided on site in accordance with the Affordable Housing Statement (reference 17/3709), dated November 2018 and shall meet the definition of affordable housing in the NPPF of any future guidance that replaces it. The Statement confirms:

- i. The numbers, type and tenure of the affordable housing provision to be made which shall consist of 45% of the total number of units proposed, of which 73% shall be constructed and provided as affordable rented dwellings and 27% shall be constructed and provided as shared ownership dwellings.
- ii. The monthly rental amount for each type and size of dwelling to be provided as affordable rented dwelling expressed as a percentage of the open market rent for that type and size of dwelling in the locality.
- iii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
- iv. The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if not RSL involved).
- v. The arrangement to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and
- vi. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which occupancy criteria shall be enforced.

The dwellings shall not be used for any other purpose than as Affordable Housing in accordance with the Affordable Housing Statement (reference 17/3709), dated November 2018,

subject to:

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) where a tenant of a Shared Ownership Dwelling granted a Shared Ownership Lease has purchased the remaining shares so that the tenant owns the entire Shared Ownership Dwelling).
- (D) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:

- (i) the Chargee has first given the Council and the Registered Provider (as appropriate) 6 (six) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and
- (ii) the Chargee has first given the Council or the Registered Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and

(iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Registered Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.

(iv) If the Council or the Registered Provider is unable to secure the transfer of the Affected Affordable Dwelling to itself under the terms and in the circumstances described above within the said period of 6 (six) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

Reason: To meet local housing need within the Three Rivers district and to comply with Policies CP1, CP2, CP3 and CP4 of the Core Strategy (adopted October 2011).

PC 120/18 18/1758/RSP - Roof alterations including hip to gable roof extensions, provision of rear dormer window and front rooflights at 156 GREENFIELD AVENUE, CARPENDERS PARK, WD19 5DQ

There were no further updates.

Councillor Debbie Morris welcomed the reduction to the size of the rear dormer window, and moved, seconded by Councillor Chris Lloyd, that Retrospective Planning Permission be Granted and has effect from the date on which the development was carried out and is subject to the Conditions and Informatives set out in the Officer recommendation.

On being put to the Committee the motion was declared CARRIED the voting being unanimous.

RESOLVED:

That RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development was carried out and is subject to the Conditions and Informatives set out in the Officer recommendation.

PC 121/18 18/1993/FUL – Conversion of garage into habitable accommodation and alterations to fenestration to include new doors within rear elevation at DELL FARM COTTAGE, RICKMANSWORTH ROAD, CHORLEYWOOD, HERTS, WD3 5SL

There were no further updates.

In accordance with Council Procedure Rule 35(b) Mr Stables spoke in support of the application.

The Chorleywood Parish Councillor spoke to reiterate Chorleywood Parish Council's Objection as stated in the report.

The Planning Officer confirmed that two previous applications that had been refused had included a car port however the current application had been assessed on its merits and did not demonstrate any harm to the greenbelt.

Councillor Peter Getkahn moved, seconded by Councillor Sarah Nelmes, that Planning Permission be Granted subject to the Conditions and Informatives set out in the Officer recommendation.

On being put to the Committee the Motion was declared CARRIED by the Chairman the voting being unanimous.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the Conditions and Informatives set out in the Officer recommendation.

PC 122/18 18/2112/FUL: Construction of a single storey front extension and two storey side extension at 1 BELFAIRS GREEN, SOUTH OXHEY, WATFORD, WD19 6YQ

There were no further updates.

In accordance with Council Procedure Rule 35(b) Ms Collins spoke against the application.

The Officer advised that the existing single storey outbuilding to the side of the building would be demolished to make way for the two storey extension. The spacing at ground floor would be slightly increased. The extension would be set 1.8 metres off the boundary at first floor level. The two proposed windows at the rear at first floor level would serve the bathroom and dressing room and would be obscure glazed and fixed shut such that overlooking would not be facilitated. The window to the bedroom would be to the front so would not overlook the neighbour. Officers felt, for the reasons set out in the report that the development would not result in demonstrable harm to the neighbours.

Councillor Debbie Morris asked whether the Applicant had been asked to carry out any amendments to the scheme during the course of the application. The Planning Officer confirmed there had been amendments as set out in the report, there would now be a small porch rather than the full width front projection. The width of the first floor element had also been reduced and it had been set back further at the front.

Councillor Matthew Bedford asked for an explanation on the parking situation. The Officer explained that the existing property was a three bedroom property and would have a requirement for two off-street parking spaces. Whilst there are unallocated parking bays available, there is no off-street parking and therefore there is an existing shortfall of 1 space. The property would become a four bedroom property and would require 3 parking spaces, resulting in an additional shortfall of 1 space and officers did not feel they could refuse planning permission due to the shortfall of one parking space. Councillor Matthew Bedford asked whether the requirement of one extra parking space could ever justify a refusal. He said that the parking situation was particularly bad in that Close. The Officer explained that each application would be assessed individually but it was not felt that the increase of one bedroom in this application would justify refusal of planning permission.

Councillor Debbie Morris asked whether officers were aware of any similar examples. The Planning Officer said there were other cul-de-sacs off main roads in a similar situation but had no examples to hand, but that each application should be considered on its own merits.

The Chairman asked whether the application complied with all the requirements. The Officer confirmed that the only requirements to which it did not comply were the parking and the garden size, but that was not changing due to the previous outbuilding occupying a comparable footprint.

Councillor Peter Getkahn was concerned about the hemmed in nature of the plot. He asked for officer opinion on the scope for over development. The Officers did not feel it was overdeveloped. Although a small plot it met policies in relation to spacing and distance to the boundaries.

Councillor Reena Ranger asked the following: What would the impact be to the character of the street? Would this be the odd one out? During discussions with the applicant, had there been a suggestion to step in the first floor extension? The officer had not been involved in the discussion with the Applicant. There were no other two storey extensions but there was some variation in other properties in the close.

Councillor Matthew Bedford asked whether in terms of amenity space it was compliant currently as a three bedroom property as it was not compliant as a four bedroom? The Officer advised that it did comply as a three bedroom. Councillor Matthew Bedford said that by allowing it to go to a four bedroom property we were making it non-compliant with amenity space policy requirements and making the parking situation worse. If the neighbouring properties all did the same it would become very crowded. The Officer said that although the space was decreasing it was still felt there was sufficient space around the building.

Councillor Debbie Morris suggested that the application be deferred for further discussions so officers could address Member's concerns with the scheme to see if adjustments could be made.

Councillor Steve Drury asked whether the velux windows in the roof would be for storage space or had it been converted to a room. The Officer confirmed that it was storage space, there was no proper staircase.

Councillor Stephen King asked whether there would be room to put a proper staircase into the roof space if development was granted. The Planning Officer confirmed that this would not require planning permission but would have to satisfy Building Regulations. The Chairman confirmed that the Committee could not take into account situations that may happen in the future.

Councillor Debbie Morris proposed, duly seconded, that the application be deferred for further discussions in order to seek amendments.

On being put to the Committee the proposal to defer was declared CARRIED by the Chairman the voting being 5 For; 4 Against and 1 Abstention.

RESOLVED:

That the application be DEFERRED for further discussions, in order to seek amendments.

PC 123/18 18/2116/FUL: Proposed part first floor, part two storey side extension, extension to rear dormer, alterations to existing rear projection and use of roof as a balcony, front porch canopy, alterations to fenestration and construction of swimming pool at CALLIPERS COTTAGE, PENMANS GREEN, SARRATT, WD4 9AY

The Planning Officer advised that an additional letter of support had been received from the applicant's planning consultant which set out why they considered the application should be approved. Officers did not consider that this raised any issues that overcame the concerns raised in the committee report.

In accordance with Council Procedure Rule 35(b) Ms Moran spoke for the application.

Councillor Marilyn Butler said there would be an improvement to the overall look of the property. Callipers Cottage was not very visible from the road.

The Chairman clarified that there was no proposal for the flat roof to disappear, only for some of it to become two storey.

Councillor Matthew Bedford asked whether permitted development would allow for a larger extension? This could not be answered definitively as there were no plans with a lawful development certificate available that proved a particular development would be lawful. Once an extension had been made to a property it would be very difficult to do anything else. Officers did not expect any further increase to the footprint would be possible under permitted development.

Councillor Peter Getkahn asked whether there would be any justification for the statement that by not passing the application a less favourable one could be passed? The Officer replied that if the applicant were to go down the route of permitted development there would need to be an element of taking away some of the extensions before putting something back, and what that would look like aesthetically would not be a consideration for Permitted Development.

Councillor Sarah Nelmes said that planning in the Green Belt allows for a property to be taken to a modern standard, but this property had already been taken to a modern standard so she was not sure it met that test.

Councillor Debbie Morris did not have a problem with this application, did not think it would have a significantly adverse impact on the Green Belt and would support the applicant.

Councillor Reena Ranger queried the materials to be used. The Officer confirmed that if the application was approved, Members of the Committee would be required to suggest a Condition in respect of materials used.

Councillor Debbie Morris moved the application, seconded by Councillor Reena Ranger, for approval against the recommendation in the report.

Councillor Matthew Bedford moved an amendment to agree the Officer's recommendation that Planning Permission be Refused.

Councillor Chris Lloyd then moved a further amendment, seconded by Councillor Reena Ranger a recommendation for the application to be deferred for a site visit.

Councillors Debbie Morris and Matthew Bedford withdrew their motions.

On being put to the Committee the recommendation for the application to be deferred for a site visit was declared CARRIED by the Chairman the voting being 8 For, 0 Against and 2 Abstentions.

RESOLVED:

That the application be DEFERRED for a site visit.

PC 124/18 18/2118/RSP – Part Retrospective: Two storey side and rear extension, part single part two storey front extension including creation of gable and increase in height, conversion of garage to habitable space and loft

conversion including extension to roof and rear dormer, insertion of rooflights and new external materials at 20 CHESTNUT AVENUE, RICKMANSWORTH, WD3 4HB. .

The Officer updated that since the Agenda was published a further 21 Objections to the proposal had been submitted.

Councillor Reena Ranger asked for an explanation as to what had been granted previously and what was retrospective.

The Planning Officer went through the details in the original application number 18/1058/FUL and said that the current application was for the same proposal but with additional windows, a reduction in height to the side extension and removal of some of windows and some internal alterations.

Councillor Reena Ranger was concerned whether the site could be used as a separate dwelling as there were two staircases. The Planning Officer advised that staircases could be accessed from additional doors but, that was always the case. The Planning Officer confirmed that there was a Condition that this should be a single property, so it would be a breach of planning conditions if used by anyone other than the resident family.

In accordance with Council Procedure Rule 35(b) Ms Mehta spoke against the application.

The Planning Officer confirmed that having visited the property the work was being carried out in accordance with the floor plans submitted. There was a variation of architectural design and style in the area therefore it was felt justified to approve the grey tiles. Regarding the subdivision issue, there was an ongoing open enforcement case which would remain open whilst the works were taking place. The window highlighted was obscured glazed and at 182cms would not facilitate overlooking.

The Planning Officer confirmed that Condition 4 prevented the use of the garage as a separate residential unit so would not allow for subdivision. An Officer advised that they had not suggested a Condition for the property to be a single family dwelling house as they did not feel this was justified. If Members thought this would be justified it could be included.

Councillor Reena Ranger felt it would be reasonable to include the Condition.

Councillor Debbie Morris referred to a concern by the speaker of the creation of the studio flat so asked for a Condition to ensure that any element of the proposed extension be occupied only for uses ancillary to the residential building.

Officers agreed to circulate the wording of the Condition to ensure it was used only as a single family dwelling to Members of the Committee for approval.

Councillor Debbie Morris queried whether the increase in loft height meant there was an increase in roof height? The Planning Officer advised that this could be checked as part of the enforcement investigation.

Councillor Chris Lloyd had not seen grey tiles elsewhere in Chestnut Avenue so asked if they could be changed. The Planning Officer advised there was an example of grey tiles in a house almost opposite the application site.

Councillor Reena Ranger asked for a Condition removing further permitted development rights.

Councillor Peter Getkahn seconded Councillor Reena Ranger's additional Condition proposal.

Regarding the grey roof tiles, the Planning Officer advised that planning permission was not required to re-roof a house. There was control over material only because this was part of a planning permission application. She confirmed that the permitted development rights referred to were for extensions and outbuildings.

Local Ward Councillor Heather Kenison said that the roof was bulky and that the grey concrete tiles were out of keeping with the rest of Chestnut Avenue.

Councillor Matthew Bedford asked if the original application had been submitted with the grey roof tiles would it have been refused. The Planning Officer said that a refusal would not be expected on this basis.

Councillor Reena Ranger asked whether there were Conditions on boundary fences? The Officers confirmed that anything over two metres in height would require planning permission.

Councillor Alex Hayward said she would like the roof tiles to be reconsidered and for the roof height to be confirmed.

Councillor Chris Lloyd proposed that the Committee either insist the original red roof tiles be used or defer the application for further discussion.

Councillor Matthew Bedford asked if the property had been built with red tiles and then the applicant decided to change to grey tiles, was there anything the Council could do? The Planning Officer confirmed that the Council could not do anything. Councillor Bedford said on that basis he could not see how the Council could refuse the tiles.

Councillor Peter Getkahn moved the recommendation to include the amendments discussed.

Councillor Debbie Morris stated that the materials were part of the planning application and so felt they had every right to refuse it on the basis of being out of character with the street scene. She supported Councillor Chris Lloyd's proposal.

Councillor Sarah Nelmes seconded Councillor Peter Getkahn's proposal

The Planning Officer asked for clarification that the additional conditions were as follows:

- Additional condition restricting the use as a family dwelling only
- Condition removing permitted development rights in relation to extensions and outbuildings
- A separate request for enforcement checks on the developments taking place

The Chairman asked for the addition to ensure that what had been granted was being built, nothing different.

Councillor Peter Getkahn moved, seconded by Councillor Sarah Nelmes that Planning Permission be Granted subject to the conditions and informatives set

out in the Officer recommendation, other than those conditions as verbally amended by Committee as follows:

- Additional condition restricting the use as a family dwelling only
- Condition removing permitted development rights in relation to extensions and outbuildings
- A separate request for enforcement checks on the developments taking place to ensure what had been granted was built.

On being put to the Committee the recommendation was declared REFUSED by the Chairman the voting being For 4, Against 6, Abstention 0.

Councillor Chris Lloyd moved, seconded by Councillor Debbie Morris a deferral to allow further discussion with the applicant on the roof tiles and for the inclusion of those conditions as verbally amended by the Committee as follows:

- Additional condition restricting the use as a family dwelling only
- Condition removing permitted development rights in relation to extensions and outbuildings
- A separate request for enforcement checks on the developments taking place to ensure what had been granted was built.

On being put to the Committee the recommendation was declared CARRIED by the Chairman, the voting being 8 For, 0 Against and 2 Abstentions.

RESOLVED:

That the Application be DEFERRED to allow further discussion with the Applicant on the roof tiles and for the inclusion of those conditions as verbally amended by the Committee as follows:

- Additional condition restricting the use as a family dwelling only
- Condition removing permitted development rights in relation to extensions and outbuildings
- A separate request for enforcement checks on the developments taking place to ensure what had been granted was built.

PC125/18 18/2159/FUL - Demolition of existing single storey rear extension and construction of new single storey rear extension at 61 KENILWORTH DRIVE, CROXLEY GREEN, WD3 3NN

Councillor Steve Drury left the meeting for this item.

The Officer gave the following update:

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Policy CA2 and Appendices B and C are relevant. Policy CA2 relates to extensions to existing buildings and requires that extensions should seek to conserve and enhance the character of the particular area. As set out in the analysis section of the committee report, the proposal is considered to respect the character and appearance of the host dwelling and area and accords with the Croxley Green Neighbourhood Plan in this regard. Condition C2 (plan numbers) should be updated to include these additional policies.

Councillor Chris Lloyd moved, seconded by Councillor Sarah Nemes, that PLANNING PERMISSION BE GRANTED subject to the Conditions and Informatives set out in the Officer recommendation.

On being put to the Committee the motion was declared CARRIED by the Chairman the voting being unanimous.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the Conditions and Informatives set out in the Officer recommendation with Condition 2 amended as follows.

The development hereby permitted shall be carried out in accordance with the following approved plans: 181066-01, 181066-02 Rev A and 181066-03 Rev A.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

Councillor Steve Drury returned to the meeting.

PC 126/18 18/2200/FUL - The temporary occupation of Units 1, 2 and 3 of Block X as a marketing suite (Sui Generis) for a period of no longer than 5 years at SOUTH OXHEY INITIATIVE: PHASE 1B, ST ANDREWS ROAD, SOUTH OXHEY, HERTFORDSHIRE

The Planning Officer clarified that the current marketing suite was due to close before Christmas.

Councillor Stephen King, seconded by Councillor Chris Lloyd, moved the recommendation that PLANNING PERMISSION BE GRANTED subject to the Conditions and Informatives set out in the Officer recommendation.

On being put to the Committee the motion was declared CARRIED by the Chairman the voting being unanimous.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the Conditions and Informatives set out in the Officer recommendation.

Site visit arranged for item 9 Saturday 12 January at 8.30am.

CHAIRMAN